

ber 15, December 6, 1932, and January 19, 1933, from the State of New York into the State of Massachusetts, of quantities of candy which was misbranded. The article was labeled in part: "McGregor Toffee Manufactured by McGregor Toffee Company, Brooklyn N. Y. Net weight 1 lb."

It was alleged in the information that the article was misbranded in that the statement "Net Weight 1 Lb.", borne on the packages, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 11, 1934, the defendant entered a plea of guilty and the court ordered that sentence be suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22692. Misbranding of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$1,125.** (F. & D. no. 31471. Sample nos. 20193-A, 22929-A, 22930-A, 22931-A, 25257-A, 25259-A, 25261-A, 28173-A, 28174-A, 28175-A, 29608-A, 36040-A.)

This case was based on various lots of canned salmon labeled "Fancy Red Alaska Salmon." Examination of the article showed that it consisted of low-grade salmon, some of the lots being in part tainted or stale.

On May 12, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation trading at San Francisco, Calif., alleging that on or about September 9, 1932, the said defendant had received at San Francisco, Calif., various interstate shipments of canned salmon from Seattle, Wash., which was misbranded in violation of the Food and Drugs Act, and that having so received the said product had delivered it to various firms in California for pay. The information further alleged that on or about September 9, 1932, the defendant had shipped in interstate commerce from Seattle, Wash., into the State of California, and on or about January 5 and March 6, 1933, from the State of California into the State of New Mexico; and on or about February 17, 1933, from the State of California into the State of Arizona, various lots of canned salmon which was misbranded. The article was labeled in part: "Libby's Fancy Red Alaska Salmon, Libby McNeill & Libby, Chicago."

The information alleged that the article was misbranded in that the statement "Fancy Red Alaska Salmon", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement represented that the article was Fancy, first-class grade and quality salmon, whereas it was not, certain of the lots consisting largely of very low-grade salmon and in part of stale salmon, and certain of the lots consisting in part of stale, tainted, decomposed, and low-grade salmon.

On July 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$1,125.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22693. Adulteration of tomato catsup and misbranding of canned cherries. U. S. v. Perry Canning Co. Plea of guilty. Fine, \$26.** (F. & D. no. 31475. Sample nos. 28114-A, 28115-A.)

This case was based on a shipment of tomato catsup which contained excessive mold, and of a shipment of canned pitted cherries which fell below the standard established by the Secretary of Agriculture, because of the presence of excessive pits, and which were not labeled to indicate that they were sub-standard.

On April 4, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Perry Canning Co., a corporation, Perry, Utah, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about August 22, 1932, from the State of Utah into the State of Texas, of a quantity of tomato catsup which was adulterated, and a quantity of canned cherries which were misbranded. The articles were labeled in part: "Golden 'Q' Brand Quality Water-Packed Red Sour Pitted Cherries, Perry Canning Co.", "Mountain Made Brand Standard Catsup, Packed By Perry Canning Co. Perry, Utah."

It was alleged in the information that the catsup was adulterated in that it consisted in whole and in part of a decomposed vegetable substance.

Misbranding of the canned cherries was alleged for the reason that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement "Pitted Cherries", borne on the can label, was false and misleading, since the said statement represented that the article consisted wholly of pitted cherries; whereas it consisted in part of unpitted cherries.

On June 1, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$26.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22694. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, \$800 and costs. (F. & D. no. 31477. Sample nos. 30333-A, 40080-A.)**

This case was based on two shipments of butter, one of which contained less than 80 percent by weight of milk fat, and the other of which was short weight.

On March 30, 1934, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sugar Creek Creamery Co., a corporation, trading at Danville, Ill., alleging shipment by said company on or about April 17, 1933, from the State of Illinois into the District of Columbia, and on or about April 18, 1933, from the State of Illinois into the State of New York, of quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Sugar Creek Butter \* \* \* Full Weight One Pound General Offices Danville, Ills."; (wrapper of portion) "One Pound Net Weight."

It was alleged in the information that one of the shipments of butter was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the butter in the said shipment was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined and required by law, in that it contained less than 80 percent by weight of milk fat. Misbranding of the remaining shipment was alleged for the reason that the statements "Full Weight One Pound", borne on the carton, and the statement "One Pound Net Weight", borne on the wrapper, were false and misleading, since the said cartons and wrappers contained less than 1 pound of butter. Misbranding of this lot was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect, some of the packages containing not more than 15.41 ounces, and the average net weight for a large number of packages examined being not more than 15.78 ounces.

On June 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$800 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22695. Misbranding of peaches. U. S. v. William Ogden Britt (Britt & Son). Plea of guilty. Fine, \$50. (F. & D. no. 31507. Sample no. 39787-A.)**

This case was based on a shipment of peaches which contained an excessive number of peaches below the minimum size declared on the label.

On May 10, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Ogden Britt, trading as Britt & Son, Thomaston, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 17, 1933, from the State of Georgia into the State of Massachusetts, of a quantity of peaches which were misbranded. A number of baskets of the article were labeled, "Early Rose 1¾ In. Min."; and the remainder were labeled, "Early Rose 1½ In. Min."

It was alleged in the information that the article was misbranded in that the statements, "1¾ In. Min." and "1½ In. Min.", borne on the labels, were